

**REMARKS**

Claims 1-12 and 24-26 are pending in this application. By this Amendment, claims 1 and 6 are amended, claims 25-26 are added and claims 13-23 are canceled without prejudice to or disclaimer of the subject matter recited therein. Support for the amendment can be found, for example, at paragraphs [0010], [0016], [0023] and [0029] of the specification. No new matter is added by the amendments. Reconsideration and allowance are respectfully requested in view of the amendments and following Remarks.

**I. Allowable Subject Matter**

Applicants thank the Examiner for indicating that claims 3-4 and 6-12 recite allowable subject matter.

**II. The Claims Define Allowable Subject Matter**

The Office Action rejects claims 1-2, 5 and 24 under 35 U.S.C. § 103(a) over U.S. Publication No. 2007/0003804 to Ogawa. The rejection is respectfully traversed.

The Office Action asserts that Ogawa teaches a fuel cell system that switches from an operation state to a stop state, where the switch from operation state to stop state is detected, and further where information relating to the remaining fuel cell amount when fuel is consumed is communicated to the user. The Office Action further asserts that even though Ogawa does not explicitly state that the communication transfer occurs when switched to the stop state, that it would have been obvious to one of ordinary skill in the art at the time of the invention to perform this function.

The Office Action asserts that Ogawa, in view of one of ordinary skill in the art, discloses all of the claimed features of claim 1. However, as expressed in the "Allowable Subject Matter" section, "the prior art is silent to the alert method of claim 8 including an information terminal of a user at a location away from the moving body . . . ." *See* Office Action, page 2. Therefore, Ogawa fails to disclose the feature of, "communicating

information related to the remaining fuel amount when fuel of the fuel cell system is consumed to an information terminal located at a point away from a moving body that the fuel cell system is disposed on, when the fuel cell system is switched to the stop state," as recited in amended claim 1. That is, Ogawa fails to teach where the alert/fuel-related information is communicated to an information terminal located off of the moving vehicle. Ogawa only teaches where "the fuel cell system is used in a vehicle," where all of the communication remains within the confines of the vehicle. *See* Fig. 1 and paragraph 0020. Also, Ogawa does not mention transferring the generated information off of the vehicle.

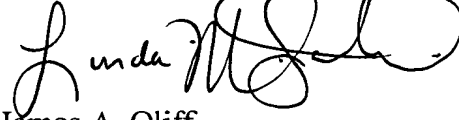
Therefore, claim 1 is patentable over the applied reference. Claims 2-12 and 24-26 are also patentable at least for their dependency from independent claim 1, as well as for the additional features they recite. Accordingly, withdrawal of the rejection is respectfully requested.

### **III. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James A. Oliff", written over a horizontal line.

James A. Oliff

Registration No. 27,075

Linda M. Saltiel

Registration No. 51,122

JAO:LMS/ccs

Date: August 6, 2009

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 320850**  
**Alexandria, Virginia 22320-4850**  
**Telephone: (703) 836-6400**

**DEPOSIT ACCOUNT USE  
AUTHORIZATION**

Please grant any extension  
necessary for entry;  
Charge any fee due to our  
Deposit Account No. 15-0461